



PTO/SB/30 (08-00)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

| | |
|-------------------------------|------------------|
| <i>Application Number</i> | 09/495,447 |
| <i>Filing Date</i> | January 31, 2000 |
| <i>Examiner Name</i> | M. BURCH |
| <i>First Named Inventor</i> | Niwa SATORU |
| <i>Group Art Unit</i> | 3683 |
| <i>Attorney Docket Number</i> | 11757/40 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
 - iii. Other
- b. Enclosed
 - i. Response to Office Action
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other : Petition for Extension of Time.

2. **Miscellaneous**

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **11-0600**

| | | | | | | |
|---|------------|----------|----------|--------|--------|----|
| i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e) | 02/04/2003 | ERREGAY1 | 00000120 | 110600 | 03495 | 67 |
| ii. <input checked="" type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) - 1-month | 01 FC:1301 | | | | 750.00 | CX |
| iii. <input type="checkbox"/> Other | | | | | | |
| iv. <input checked="" type="checkbox"/> Charge any additional fees under 37 C.F.R. § 1.16 and 1.17 | | | | | | |
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|--------------------|----------------------|-----------------------------------|--------|
| Name (Print /Type) | WILLIAM E. CURRY | Registration No. (Attorney/Agent) | 43,572 |
| Signature | <i>William Curry</i> | Date | 2/3/03 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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|--------------------|--|------|--|
| Name (Print /Type) | | Date | |
| Signature | | | |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Niwa SATORU
SERIAL NO. : 09/495,447
FILED : January 31, 2000
FOR : BRAKING SYSTEM HAVING SWITCHING DEVICE
FOR SUPPLYING ENERGY TO ELECTRICALLY
CONTROLLED BRAKE THROUGH BRAKE
CONTROLLER UPON OPERATION OF BRAKE
OPERATING MEMBER
GROUP ART UNIT : 3683
EXAMINER : M. BURCH

*C.P.E.
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Assistant Commissioner for Patents
Washington D.C. 20231

RESPONSE TO OFFICE ACTION

Sir:

In response to the final Office Action mailed October 1, 2002,
reconsideration of the rejection of the above-identified patent application is
respectfully requested in view of the following amendments and remarks

IN THE CLAIMS:

Please amend claims 2-6, 11, 12, 18, 19, 21 and 29 as follows:

2. (Third Time Amended) An electrically controlled braking system
according to claim 39, wherein said electrically controlled brake includes a rotor
for rotating with said wheel, a friction member, and an electric motor for forcing
said friction member onto said rotor, and said brake control apparatus includes a
motor control device for controlling the electric energy to be supplied from said
electric power source device to said electric motor.

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02 FC:1201